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UNITED STATES DISTRICT COURT

for the

Western District of Texas

2014 OCT -8 PM 2:52

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____ DEPUTY

AD

United States of America

v.

Matthew Jacob Phillips

Case No.

A-14-M-433

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 6th, 2014 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

Code Section

United States Title 21 Section 841
 (a)(1)

Offense Description

Possession with intent to deliver a controlled substance: heroin.

United States title 21 Section 846

Intentionally, knowingly, and unlawfully conspired with persons known and
 unknown to possess with intent to distribute an illegal controlled substance,
 to wit: Heroin

This criminal complaint is based on these facts:

See attachment

☒ Continued on the attached sheet.


Complainant's signature

Austin Police Detective Duane Williams # 2968

Printed name and title

Sworn to before me and signed in my presence.

Date:

October 8, 2014

City and state:

Austin, Texas

 Judge's signature

Mark Lane

United States Magistrate Judge

Printed name and title

Attachment "A"

The following information is a result of my investigation and information provided to me by other law enforcement sources:

Affiant is Detective Jason Jewett # 3762, who is employed by the Austin Police Department and is currently assigned to the Narcotics Conspiracy Unit.

In the recent past Austin Police Organized Crime Detectives received information from a confidential source that a significant amount of Heroin was being trafficked by Matthew Jacob Phillips who resided at 4104 A Hycrest Dr. Austin, TX. It was also reported by another confidential source that Phillips was buying and selling a lot of firearms and had quite a few in his possession including assault rifles mainly AR-15 type.

On 10/03/2014 Detectives from the Austin Police Department Organized crime set up surveillance in the area of 4104 A Hycrest Dr. Austin, TX. Phillips was observed leaving the residence driving a black 2004 BMW bearing Texas License plate BY4C255. Phillips drove to a parking lot at 8901 Business Park Dr. (Holliday Inn). He met with a subject in a vehicle for a short time. It was later confirmed that person purchased a quantity of heroin.

On 10/06/2014 Detectives from the Austin Police Department Organized crime set up surveillance in the area of 4104 A Hycrest Dr. Austin, TX. Phillips was observed leaving the residence driving a black 2004 BMW bearing Texas License plate BY4C255. Phillips drove to a parking lot at 8901 Business Park Dr. (Holliday Inn). He met with a subject in a vehicle for a short time. This vehicle was stopped on a traffic violation and gave written consent to search the vehicle. A useable amount of heroin was discovered.

On 10/06/2014 A CI contacted Matthew Phillips and requested to buy heroin. It was agreed that the party would meet at the parking lot of 8901 Business park Drive. (Holiday Inn). Multiple uniformed police officers had already entered the parking lot to detain another vehicle believed to be connected to Matthew Phillips. At this time Matthew Phillips entered the parking lot driving the black BMW. The uniformed police on foot attempted to stop Phillips and he did not comply and sped through the parking lot hit a curb and blew out a tire. He fled from his vehicle on the north side of the parking lot just out of view of the officers. Phillips left the vehicle on foot. Witnesses in the apartment complex west of the Holiday Inn reported seeing Phillips running with a black back pack. The CI had reported to us that Phillips kept drugs and

money in the back pack and normally kept it with him. Patrol Units in the area set up a perimeter around the area. Several firearms were located in the BMW. A K9 unit was dispatched to the scene and started tracking Phillips. A plain clothes detective found Phillips walking eastbound on Point West Drive close to the intersection of Hycrest Dr. Phillips was detained. He was no longer carrying the backpack. Police Officers including K9 units continued to track the path we believed Phillips took from the Hotel parking lot to his house .8 Miles away. Phillips was asked about the backpack and it was unknown if he had drugs, firearms or money in the backpack. He was told he needed to let us know where it was before someone like a child finds it. He agreed to show us where it was located. Phillips directed us to 8700 Tallwood Dr. There was a house with a lot of shrubs in the front yard and a path to the gate to enter the back yard. Close to that gate was the back pack which was easy to see in plain-view. The backpack was not hidden under anything just dropped close to the path. Phillips was transported to the interview room at OCD office. Phillips was read his rights and he agreed to talk. During the interview he discussed how he started selling heroin after he lost his job in April of 2013. He started out selling ounces but increased his sales until the final few months he was selling about 3 Kilos a month. He estimated he has sold around 20 kilos of Heroin since losing his job in 2013. He said he had not had any other employment during this time and his full time job was selling Heroin. Phillips then took us to his house and storage unit. He consented to us searching these locations. Additional firearms were seized at these locations. The following evidentiary items were seized from Phillips from his car, house and storage unit.

- 1) Black backpack found at 8700 Tallwood Dr Austin, TX containing 315g or Heroin and US currency
- 2) 4 Digital scales with Heroin residue found in black BMW.
- 3) Syringe loaded with dark liquid found in the gear shift area of BMW.
- 4) 20 yellow Oval shaped pills inscribed with 10mg found in black BMW.
- 5) Black Bench made folding knife with Heroin residue found in the black back pack at 8700 tallwood.
- 6) 30 White gelatin capsules located in sentry safe at Storage unit 181 12318 N Mopac.Ausitn,TX
- 7) 14 yellow round pills inscribed with PLIVA 563 found in the storage unit.
- 8) 1 Hard Rifle Case with a Daniel Defense 5.56 rifle and 2 AR15 Magazines found in the back seat of the black BMW.
- 9) Tan Bag with Multiple AR15 magazines and magazines loaded with .308 ammunition. Several boxes of ammunition. AR-15 style adjustable butt stock. Found in the trunk of the black BMW.

- 10) Soft Rifle Case with 1 LMT 5.56 Rifle and 1 YHM 5.56 Rifle with a loaded magazine inserted in the magazine well. Found in the trunk of the black BMW.
- 11) Hard Case with 3 Pistols and 6 magazines inside. 2 Sig Sauer/1para ordinances. Found in the trunk of the black BMW.
- 12) Hard case with 2 ACOG Optics inside.
- 13) Sig Sauer 220 .45 pistol found in the storage unit
- 14) Ellipita .44cal black Powder revolver found in storage unit
- 15) Anderson AR-15 Lower receiver found in storage unit
- 16) Spikes Tactical AR-15 Lower receiver
- 17) Remington 870 12ga found at his Residence in the garage.
- 18) Sig Sauer 7.62 rifle found at his residence in the garage.
- 19) Spikes Tactical SAR rifle (short barrel) found at his residence in the garage.
- 20) DPMS LR-308 rifle Found at his residence in the garage.
- 21) HK PTR-91 .308 rifle found at his residence in the garage.

A total of 315 grams of Heroin (gross weight) was seized from **Matthew Phillips**.

 3762
Complainant's signature

Printed name and title

Sworn to before me and signed in my presence.

Date: October 8, 2014


Judge's Signature
Mark Lane
United States Magistrate Judge
printed name and title